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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,344	01/11/2005	Young-Soo Hong	20050-00005	1852

JHK Law  
P O Box 1078  
La Canada, CA 91012-1078

7590

05/14/2008

EXAMINER
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HWANG, VICTOR KENNY

ART UNIT	PAPER NUMBER
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3764

MAIL DATE	DELIVERY MODE
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05/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/521,344	<b>Applicant(s)</b> HONG, YOUNG-SOO	
	<b>Examiner</b> VICTOR K. HWANG	<b>Art Unit</b> 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/18/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Republic of Korea on July 18, 2002. It is noted, however, that applicant has not filed a certified copy of the KR 10-2002-004222 application as required by 35 U.S.C. 119(b).

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: “130c”, “130d”, “130e” and “130f”. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The disclosure is objected to because of the following informalities: 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with grammatical and idiomatic errors, such that terms are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

Appropriate correction is required.

#### ***Claim Objections***

5. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim 2 is further objected to because of the following informalities: in claim 2, line 3, the recitation "cease" presumably should be changed to --crease--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble of claim 1 appears to indicate that the claimed invention is the inside structure of a male underpants, then recites the structure of male underpants having a waist band, a plurality of cord connected to the waist band, a plurality of member for adjusting a cord length, and a plurality of member for having each cord separably connected to the waist band, and indicates that the inside structure further comprises what is recited in the body of the claim. It is unclear whether the structure of the underpants recited in the preamble is merely the type of underpants environment in which the claimed inside structure is improving, which would be a Jepson format claim wherein the structure of the underpants recited in the preamble is considered old, or the claimed invention includes all of the structure of the male underpants recited in the preamble and the inside structure recited in the body. Presumably, it is the later situation. Clarification is required. Claims 2-4 depend from claim 1 and are likewise indefinite.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by *Hong* (KR 2002-042054 A). *Hong*'054 discloses an inside structure of male underpants 100,300. The underpants have a waist band 110, a plurality of cords 230a,230b,250a,250b or 430a,430b,450a,450b

connected to the waist band, a plurality of members for adjusting a cord length (Fig. 3), and a plurality of members for having each cord separably connected to the waist band (Fig. 3). The inside structure further comprises a penis cord 210 or 410 for lifting a lower muscle of the penis. Penis supporting cords 250a,250b or 450a,450b each have one end connected to either side 210a,210b or 460a,460b of the penis cord 210 or 410 and the other end connected to either side 110c,110d of the waist band 110. Penis exercising cords 230a,230b or 430a,430b each have one end connected to predetermined positions 110,110b between the either side 110c,110d and on a front side of the waist band 110 and the other end connected to the either side 210a,210b or 460a,460b of the penis cord 210 or 410.

The penis supporting cords 250a,250b or 450a,450b are adapted to be positioned along a crease between a leg and the abdomen. Each of the cords may be made of elastic material. The penis exercising cords 230a,230b or 430a,430b are connected to the penis and are capable of causing the penis to make shaking motion and a centrifugal motion when upper parts of the penis exercising cords 230a,230b or 430a,430b are repeatedly pulled. The penis cord 210 or 410 may be beaded/ringed with jade, silver or medicinal ingredients and include a healthful and hygienic tuft 410c,410d.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Cronin* (US Pat. 311,570), *Teuscher, Jr.* (US Pat. 531,232), *Kennedy* (US pat. 623,315), *Zuckriegel* (US Pat. 908,533), *Ware* (US Pat. 1,057,693), *Norwood* (US Pat. 2,293,998), *Ard* (US

Pat. 6,123,664), *Bland et al.* (US Pat. App. Pub. No. 2006/0211974 A1), *Hong* (KR 2001037082 A) and *Hong* (WO 02/074110 A1) disclose male support undergarments having structure relevant to the invention as claimed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR K. HWANG whose telephone number is (571) 272-4976. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn H. Thanh can be reached on (571) 272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Victor K. Hwang  
Examiner  
Art Unit 3764

/V. K. H./  
Examiner, Art Unit 3764



/LoAn H. Thanh/  
Supervisory Patent Examiner, Art Unit 3764